



# AB 901: RULEMAKING

Disposal and Recycling Reporting Regulations

December 2016

Questions: [AB901.Reporting@calrecycle.ca.gov](mailto:AB901.Reporting@calrecycle.ca.gov)

# Agenda

- Summary and intent
- Affected parties
- Thresholds
- Reporting Requirements
- Who are End Users
- Reasonable Methods
- Enforcement
- Confidentiality

# OPENING REMARKS

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# AB 901 Summary and Intent

- AB 901 (Gordon, 2015)
- Update and Streamline Procedures
  - Utilize technology to improve procedures
    - Online Reporting, notifications, contact updates, etc...
  - Direct reporting to CalRecycle
- Improve Data Quality
  - Expand reporting facilities
  - Remove manual data input
  - Further CalRecycle's Mandates

# The Regulatory Development Process and Project Timeline

- 1) Informal Workshop(s)
  - Input from regulated stakeholders
  - Scoping for Regulations
- 2) Formal Rulemaking Process
  - Governed by the Office of Administrative Law (OAL)
  - Strict timelines, procedures, and comment periods
  - Tentatively scheduled to begin Spring 2017
  - Expected to be complete by 2018
- 3) Online reporting system developed in 2018

# Major Statutory Changes

- Facilities will report directly to CalRecycle rather than to Counties
- Expand reporting requirements for recycling and composting operations and facilities to include transporters, exporters, and brokers
- Require online reporting
- Provide authority to CalRecycle for enforcement and civil penalties

# NEW DEVELOPMENTS

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# Who Reports?

- Auto shredders, dismantlers and junk yards
- Construction and Demolition Debris processors
- Composting, in-vessel digestion facilities, and waste water treatment plants
- Landfills, EMSW, transformation, waste to energy and waste to fuels facilities
- Transfer stations and Material Recovery Facilities
- Brokers, transporters and exporters
- Processors and recyclers of any of the following material types:
  - Automobiles, Carpet, Construction and Demolition Debris, Furniture, Glass, Metal, Organics, Paper, Plastic, Solid waste, Textiles, Tire-derived rubber, White Goods
- End Users are not required to register or report



# Reports to the Department

- All electronic, through DDRS
- Must include name address and DDRS number of **reporting entity**, AND the **receiving person**
  - Shipments to end users may be reported by category rather than by individual end user
- Submitted within 60 days by all reporting entities other than Disposal Facilities.
- Submitted within 90 days by Disposal Facilities.
- Recycling and composting operations at one location can aggregate into one report

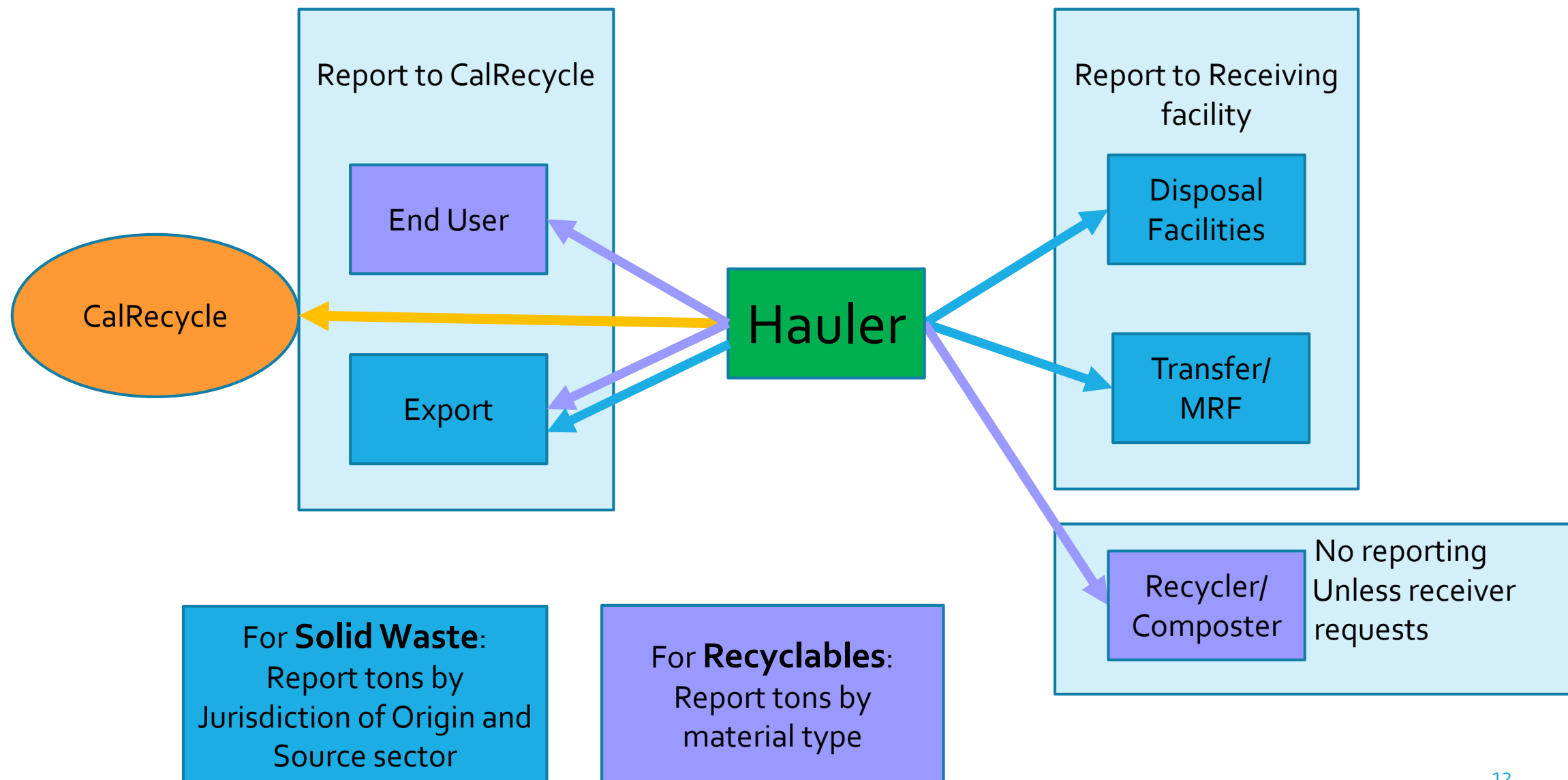
# Thresholds

- Any person that sells, transfers, processes or disposes:
  - 100 tons or more of recyclable materials, organics, and/or solid waste per quarter
  - 500 tons or more processing only concrete, asphalt, and/or asphalt shingles per quarter
  - 50 tons or more for organics directly land applied per quarter
- Any person composting organics who is not excluded from composting and in-vessel digestion regulations (Sections 17855 & 17896)
  - Waste water treatment plants taking in off-site organics in excess of 100 tons or over 10% of throughput per quarter
- “Food waste self-haulers” who haul 12 or more cubic yards of food waste per quarter (per AB 1103)

# Reporting Requirements

- Solid waste
  - Jurisdiction of Origin: where did the waste originate?
  - Source sector
    - Single family residential
    - Commercial/multi-family
    - Self-haul
- Recycling and Composting
  - Material Type
- Sent to each person or end user category

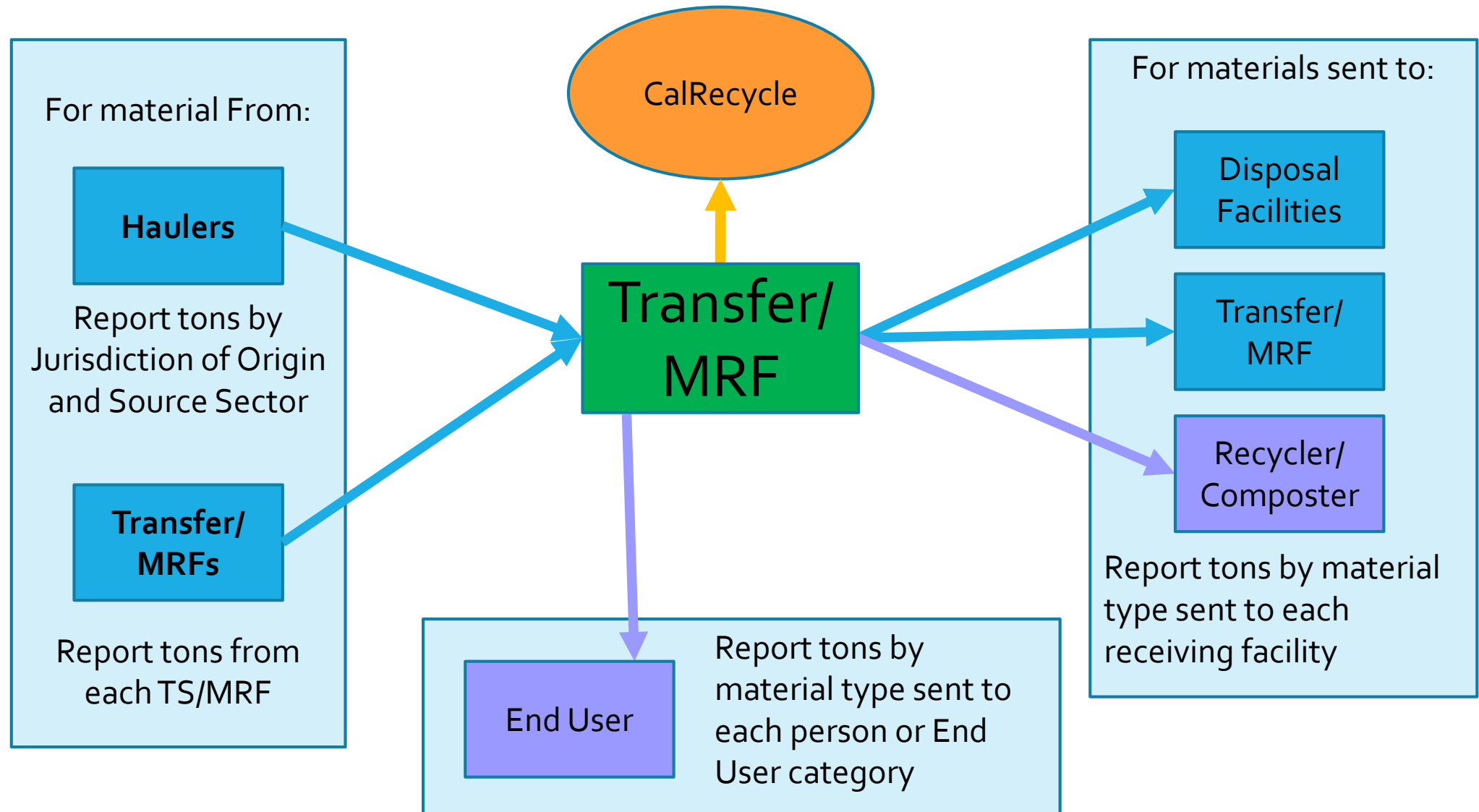
# Haulers



# “Food Waste Self Haulers”

- New addition per AB 1103
- Generates and transports
- Using own employees and equipment
- To a location that they do not own and operate
- Over 1 cubic yard per week of food waste (12 cubic yards per quarter)

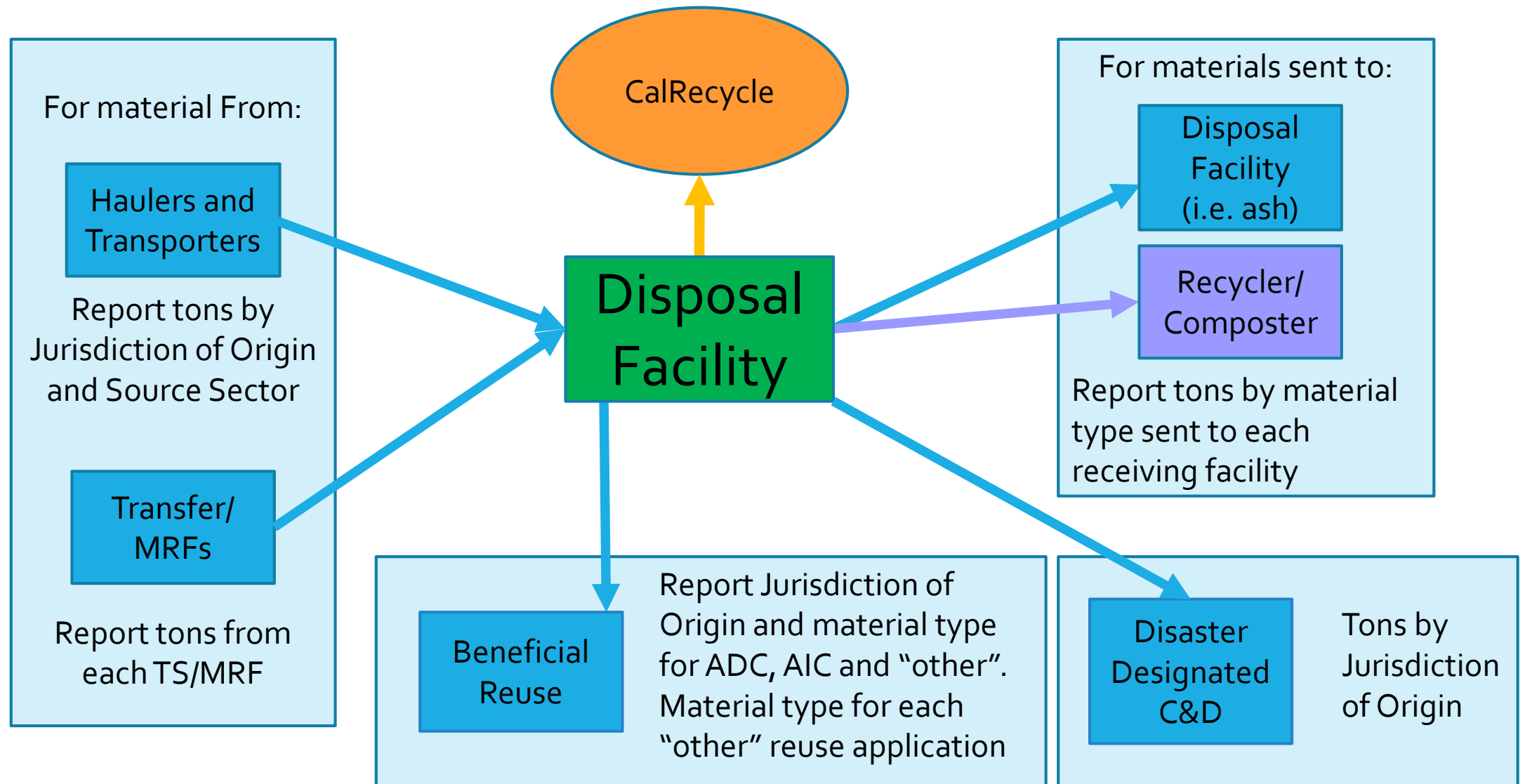
# Transfer Stations and MRFs



# Transfer/MRFs

- Jurisdiction of origin on the inbound
- Can adjust on the outbound for residuals

# Disposal Facilities

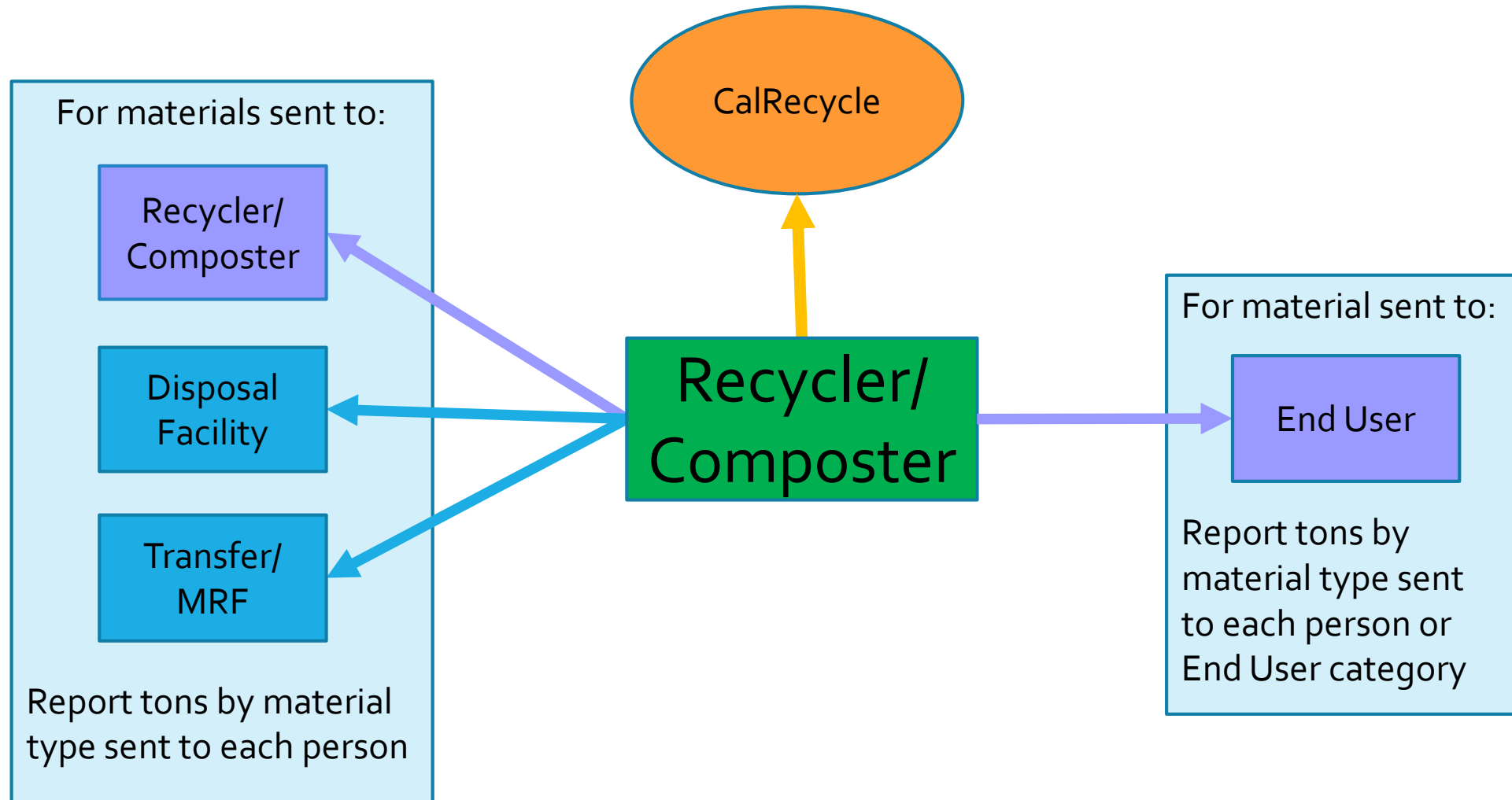




# Beneficial Reuse categories

- (i) Final cover foundation layer
- (ii) Liner operations layer
- (iii) Leachate and landfill gas collection system
- (iv) Construction fill
- (v) Road base
- (vi) Wet weather operations pads and access roads
- (vii) Soil amendments for erosion control and landscaping

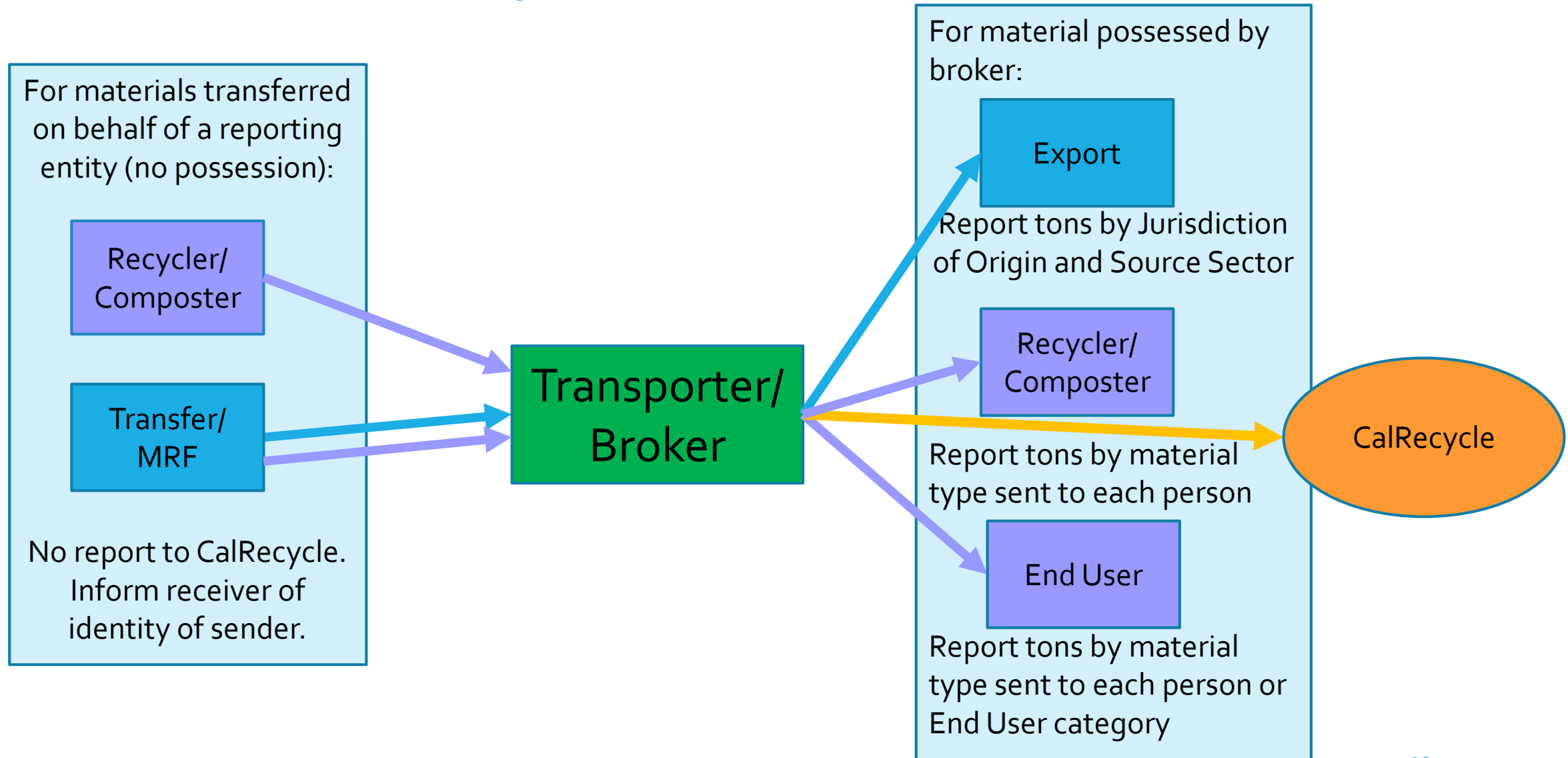
# Recyclers and Composters



# Organics

- Means: food, green waste, landscape and pruning waste, compost, mulch, nonhazardous wood, lumber and dimensional wood, food-soiled paper or other compostable paper, digestates, biosolids and sludges.

# Transporters and Brokers



# Who are End Users?

- “End User” means the person who uses a product made from recycled material after a level of processing that results in that material:
  - Replacing or significantly resembling a virgin material (such as plastic pellets, paper pulp, metal ingots, etc.), or
  - Becoming a homogeneous mixture or material (such as aggregate or crushed miscellaneous base, mulch, or compost, or a material suitable for direct land application).
- End User does not only bale, wash, or reduce size for ease of processing.
- End User categories include:
  - Producers of finished products
  - Users of energy, fuel and chemicals
  - Consumers (i.e. compost)
  - Construction Uses
  - Land application (i.e. non-composted organics) and fill

# Reasonable Methods

- For materials sent to **Recycling**
- Material Type: At the level of segregation at the time of sale or transfer
  - Individual material type → cardboard, PET, aluminum, concrete, mulch, etc.
  - Combinations of materials within a category → mixed paper, plastics #1-7, C&D, etc.
  - Mixed materials → solid waste
- Match your records
- No need for characterizing your waste!

# Reasonable Methods

- For residuals and material sent to **Disposal**
- Jurisdiction of origin:
  - Ask each load
    - Unless receiving periodic reports from haulers, based on:
      - Tons from each Jurisdiction
      - Hauling routes and billing records
      - Number and size of bins serviced
  - Question: Only for trucks servicing multiple Jurisdictions?
- Source sector:
  - Ask each load
    - Unless receiving periodic reports from haulers, based on:
      - Tons from each sector
      - Hauling routes and billing records
      - Number and size of bins serviced
      - Truck type
  - Estimate inaccuracies for source sector will not be penalized if using approved methods

# Enforcement

- Notice of violation: Chance to remedy violations with deadline
  - If not remedied by deadline, penalties are imposed
- Department will consider:
  - whether the violation was intentional
  - If there's a history of non-compliance
  - The gravity of the violation
- Violations include:
  - Failure or refusal to submit information on time
  - Willful falsification of reports or records
  - Refusal of inspection
  - Failure to keep records
- If haulers don't report or report inaccurately to a facility, the facility is not liable if they identify the haulers at fault.



# Confidentiality

- Proprietary business information provided to or obtained by the Department is considered confidential and is not subject to Public Records Act Requests whether that information is obtained by any of the following methods:
  - Reports
  - Records maintained by a facility supporting reports
  - Records created or obtained by the Department during an audit or investigation
  - Local government entity requests for records

# QUESTIONS AND COMMENTS

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Send comments to: [AB901.Reporting@CalRecycle.ca.gov](mailto:AB901.Reporting@CalRecycle.ca.gov)

# Next Steps

- This is the last informal workshop
- Surveys
- Formal Rulemaking Spring 2017

# Contact

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